

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**JUSTIN JONES,**

*Plaintiff,*

V.

**RICHMOND AUTO AUCTION  
OF VIRGINIA, INC.,**

*Defendant.*

**Civil Action No. 3:23-cv-626**

Because the Plaintiff in this matter is proceeding *pro se*, and because this motion may be partially dispositive, Plaintiff is entitled to the following notice:

(1) A *pro se* party is entitled to file a response opposing this motion and any such response must be filed within twenty-one (21) days of the date on which the dispositive or partially dispositive motion is filed; and

(2) The Court could dismiss the action on the basis of the moving party's papers if the *pro se* party does not file a response; and

(3) The *pro se* party must identify all facts stated by the moving party with which the *pro se* party disagrees and must set forth the *pro se* party's version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury); and

(4) The *pro se* party is also entitled to file a legal brief in opposition to the one filed by the moving party.

**REPLY MEMORANDUM IN SUPPORT OF MOTION TO QUASH**

The Defendant, Richmond Auto Auction of Virginia, Inc., by counsel, offers the following Reply Memorandum in Support of its Motion to Quash.

On October 12, 2023, the Plaintiff, Justin Jones, hand-delivered to the undersigned counsel a copy of his Memorandum in Opposition to the Defendant's Motion to Quash. In that Memorandum, Mr. Jones does not offer any facts or authorities to rebut RAA's argument that the subpoena form executed by Mr. Jones (ECF No. 4-1) is invalid or that his delivery of that form was ineffective service under

Federal Rule of Civil Procedure 45(b)(1). Nor does he offer any reason why he should be permitted to circumvent the timing requirements of Federal Rule of Civil Procedure 26(d), or the court-review requirements of Local Rule 45.

Mr. Jones is *pro se*, and a document filed *pro se* is “to be liberally construed.” *Estelle v. Gamble*, 429 U.S. 97, 106, 97 S. Ct. 285 (2007); *see also King v. Rubenstein*, 825 F.3d 206, 214 (4th Cir. 2016); *Browne v. Waldo*, Civil Action No. 3:22-cv-648-HEH, 2023 U.S. Dist. LEXIS 67204, at \*11 (E.D. Va. Apr. 17, 2023). Even so, Mr. Jones’ Memorandum is not responsive to the issues raised in the Motion. The Memorandum re-airs some grievances alleged in Mr. Jones’ complaint, and adds new grievances, but it does not give any reason why the Court should not grant the Motion.

Accordingly, the Defendant, Richmond Auto Auction of Virginia, Inc., by counsel, prays that its Motion to Quash be granted, that the “subpoena” directed to Mark Motley be quashed, and for such other relief as may be just.

RICHMOND AUTO AUCTION  
OF VIRGINIA, INC.  
By Counsel:

/s/ Blackwell N. Shelley, Jr.  
Blackwell N. Shelley, Jr. (VSB No. 28142)  
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*Attorney for Defendant*

### **CERTIFICATE OF SERVICE**

On the 18<sup>th</sup> day of October, 2023, the foregoing Reply Memorandum in Support of the Motion to Quash was filed electronically with the Court using the CM/ECF system. I further certify that I sent a copy of the foregoing Memorandum in Support of Motion to Quash via first class U.S. mail, postage prepaid, to the Plaintiff, at the following address:

Justin Jones  
13926 Hull Street Road, Suite 123  
Midlothian, VA 23112

/s/ Blackwell N. Shelley, Jr.  
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